

EUSTACE & MARQUEZ

ATTORNEYS AT LAW
1311 MAMARONECK AVENUE • 3RD FLOOR
WHITE PLAINS, NEW YORK 10605
(914) 989-6650
FAX (914) 989-6638

Not a Partnership or Professional Corporation

EDWARD M. EUSTACE
JOHN R. MARQUEZ
DIANE C. MICELI
KENNETH L. GRESHAM

CHRISTINE J. KLEIN
ROSE M. COTTER
HEATH A. BENDER

September 5, 2008

Honorable John G. Koeltl
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: CORREA V. THE MACERICH CO. ET AL
Our File Number: 35843703
Date of Loss: 04/08/2008
Docket Number: 08cv5410 (JGK)

Your Honor:

As you are aware, we represent Macerich Company & Macerich Property Management in this lawsuit. We were directed by the Court to advise as to the status of the matter by today.

Yesterday (September 4, 2008), we received a copy of an Amended Complaint from plaintiff's counsel, naming the property owner, Brooks Shopping Center, as a defendant.

We have spoken to plaintiff's counsel and been asked to accept service on behalf of Brooks Shopping Center and to agree to remand the case to State Court as diversity will be destroyed if Brooks' principal place of business is in New York. We have told plaintiff's counsel that we need to discuss these two issues with both our clients and the Chubb Claims adjuster.

We respectfully request additional time to converse with our clients and the carrier and come to a decision as to whether we can accept service on behalf of Brooks and agree to remand the case to Bronx County. We will advise the Court and plaintiff of our position on these issues by September 16, 2008 (or earlier if advised by Your Honor).

Plaintiff's counsel has been apprised of our filing of this letter and is aware of our need for a few extra days to evaluate the Amended Summons and Complaint.

Thank you for your time, courtesy and attention.

Respectfully Submitted,

Diane Miceli *RC*

Diane C. Miceli

DCM/lm

cc: Walter F. Benson, Esq.
Lynn Law Firm, LLP